

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 135G.10, the Department of Inspections and Appeals hereby amends Chapter 71, "Subacute Mental Health Care Facilities," Iowa Administrative Code.

These amendments implement the changes to Iowa Code chapter 135G, "Subacute Mental Health Care Facilities," resulting from 2015 Iowa Acts, Senate File 401, including an increase in the number of publicly funded subacute care facility beds from 50 to 75. 2015 Iowa Acts, Senate File 401, also allows for the treatment of persons involuntarily hospitalized in accordance with Iowa Code chapter 229. The amendments therefore eliminate the requirement in the rules that persons be voluntarily admitted to a subacute mental health care facility.

The Department does not believe that the amendments impose any financial hardship on any regulated entity, body, or individual.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 27, 2015, as **ARC 1996C**. The Department received no comments during the public comment period. These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 135G.10 and 2015 Iowa Acts, Senate File 401.

These amendments shall become effective August 26, 2015.

The following amendments are adopted.

ITEM 1. Amend subrule 71.3(6) as follows:

**71.3(6) Licensed beds limit.** The total number of publicly funded subacute care facility beds licensed under this chapter shall not exceed ~~50~~ 75.

ITEM 2. Rescind subparagraph **71.13(2)"b"(2)**.

ITEM 3. Renumber subparagraphs **71.13(2)"b"(3)** to **(6)** as **71.13(2)"b"(2)** to **(5)**.

ITEM 4. Amend subparagraphs **71.13(4)"a"(2)** and **(3)** as follows:

(2) The individual can be safely maintained and effectively treated with less intensive services in a community setting; or

(3) The symptoms of the individual do not meet admission criteria in subrule 71.13(2); ~~or~~ .

ITEM 5. Rescind subparagraph **71.13(4)"a"(4)**.

ITEM 6. Rescind paragraph **71.13(6)"b."**

ITEM 7. Reletter paragraphs **71.13(6)"c"** to **"f"** as **71.13(6)"b"** to **"e."**

[Filed 7/1/15, effective 8/26/15]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/22/15.